

**ALASKA STATE LEGISLATURE  
LEGISLATIVE COUNCIL**

**JUNE 26, 2018  
11:00AM**

**MEMBERS PRESENT**

Representative David Guttenberg, Chair  
Senator Bert Stedman, Vice Chair  
Representative Matt Claman  
Representative Bryce Edgmon  
Representative Charisse Millett  
Representative Dan Ortiz  
Representative Louise Stutes  
Representative Harriet Drummond, Majority Alternate  
Representative David Eastman, Minority Alternate  
Senator John Coghill  
Senator Cathy Giessel  
Senator Pete Kelly  
Senator Peter Micciche

**MEMBERS ABSENT**

Representative Sam Kito  
Senator Lyman Hoffman  
Senator Anna MacKinnon  
Senator Mia Costello, Alternate

**OTHER MEMBERS PRESENT**

**AGENDA**

APPROVAL OF AGENDA  
APPROVAL OF MINUTES  
RATIFICATION OF CHARITABLE EVENTS  
CONTRACT APPROVALS  
LEGAL SERVICES UPDATE  
EXECUTIVE SESSION  
OTHER COMMITTEE BUSINESS

**SPEAKER REGISTER**

Jessica Geary, Executive Director, Legislative Affairs Agency  
Tim Banaszak, Manager, Information Technology, Legislative  
Affairs Agency  
Doug Gardner, Director, Legal Services, Legislative Affairs  
Agency  
Jerry Luckhaupt, Revisor, Legal Services, Legislative Affairs  
Agency

[11:00:07 AM](#)

**I. CALL TO ORDER**

CHAIR GUTTENBERG called the Legislative Council meeting to order at 11:00a.m. in the Anchorage LIO Large Conference Room. Present at the call were Representatives Claman, Edgmon, Millet, Ortiz, Stutes, Eastman (alternate), and Guttenberg; Senators Coghill, Giessel, Kelly, Micciche, and Stedman. Absent were Representative Kito, Senators Hoffman, MacKinnon, and Costello (alternate). Representative Drummond (alternate) joined at 11:33am.

CHAIR GUTTENBERG shared that we just lost one of our long term legislative staff to Speaker Edgmon, Adam Berg. Our condolences to the family and to you Mr. Speaker and your staff.

**II. APPROVAL OF AGENDA**

[11:03:02 AM](#)

VICE CHAIR STEDMAN moved that Legislative Council approve the agenda as presented.

The motion passed without objection.

**III. APPROVAL OF MINUTES**

[11:04:24 AM](#)

VICE CHAIR STEDMAN moved that Legislative Council approve the minutes dated April 23, 2018.

The motion passed without objection.

CHAIR GUTTENBERG asked members if the way we communicated with members was adequate, did they get notice in time, are there other ways they want us to communicate with them? Please let us know, as it is to everyone's advantage that they have all the information they need to make the right decision in a timely manner. Everything is on BASIS at this point, that is public, and we want to ensure we are reaching out to people the way they want to receive information.

**IV. RATIFICATION OF CHARITABLE EVENTS**

[11:05:49 AM](#)

VICE CHAIR STEDMAN moved that Legislative Council ratify the Chair's sanctioning of the following charitable events per AS 24.60.080(a)(2)(B): 26<sup>th</sup> Annual Coal Classic Golf Tournament.

The motion passed without objection.

## **V. CONTRACT APPROVALS**

### **a. Microsoft Annual Agreement**

Thank you Mr. Chairman, Vice-Chairman, members of the Council, for the record my name is TIM BANASZAK and I am the Information Technology Manager for the Alaska State Legislature. Today before you for consideration is the annual Microsoft Enterprise Software Agreement License. The State of Alaska has negotiated on behalf of the Legislature, the Executive and Judicial branches a three year contract with Software House International which provides Microsoft products including Windows 10, Windows server operating system, the office software suite which includes items most of us are familiar with such as Word, Excel, Outlook, PowerPoint, Skype for Business, One Note, Publisher, Access database. This agreement also provides licensing to operate critical infrastructure systems including the Windows 10 pc operating system, windows server, databases including those I previously mentioned, our network drives, share point, web servers including our intranet and extranet web servers are licensed through this as well.

Part of this contract also includes secure email storage, up to 100 gigabytes per box. Some of you might remember the days we had less than one, so that's improved in this as well.

Also, we have unlimited archiving as part of this contract and protected one drive file sharing and software licensing collaboration from full devices. It is a fairly comprehensive contract and covers a lot of our services of goods.

Finally, one of the important areas that this provides is software assurance, which safeguards the application of operating systems and databases by providing the most current security updates and software versions.

Mr. Chairman, this agreement which begins July 1, 2018, for a period of one year with two annuals provides the benefits of reduced volume pricing, enhanced technical support, regular software upgrades, and training for both technical and non-technical staff. The Legislature's portion of this agreement for FY19 is \$144,402.52, which is budgeted under the Administrative Services component and requires Legislative Council's approval. Just for the Council's information, the Executive branch is actually in a business meeting right now hoping to negotiate a few points down from what we're actually paying on top of this right now. We're receiving government pricing at this point, but at the outset of this meeting they were just going into their business meeting and so we may be able to reduce it down a little

bit. But at this point, this is the pricing that we have. I would be happy to answer any questions.

11:10:36 AM

VICE CHAIR STEDMAN moved that Legislative Council approve the expenditure of not more than \$144,402.52, the first of three annual installments, to Software House International (SHI) that licenses the Legislature to use Microsoft's software.

The motion passed without objection.

**b. LexisNexis**

11:12:05 AM

VICE CHAIR STEDMAN moved that Legislative Council approve the two-year renewal with LexisNexis for the publication of our statutes in the amount of an estimated annual average of \$50,000.

VICE CHAIR STEDMAN objected for discussion.

My name is JERRY LUCKHAUPT, Revisor of Statutes for the Alaska State Legislature. As noted in the motion, this is a two year renewal of the current contract that was entered into in 2012 for a six year period. It provides, as noted in my letter to the Council, terms very beneficial to the State at this time, considering contracts that have been entered into by other states and the size of Alaska. We have experienced some problems over the last two years with LexisNexis moving to a new editorial format that we are trying to work through those, we are also hoping that as we an actual interim this year, we are going to be able to resolve all of those issues and we have been working diligently with them. If there are any questions, I am ready to answer them. I would just ask the Council to do this two year renewal because it is beneficial to the State under the terms outlined.

CHAIR GUTTENBERG asked are there any states that are not printing their statute books? Are there other alternatives? Looking into the future, would there be a time when publicly available statute books would not be needed or what is the perception of that world changing?

JERRY LUCKHAUPT replied that eventually it will reach that point. It is always going to be a problem in Alaska due to distance and not everyone having a stable internet connection. I think books are always going to be needed out there. The other aspect of publishing statutes, is annotated statutes. The annotations that LexisNexis provides, their editors provide, to the State and Federal cases is helpful for people who have to deal with

government and can easily find cases that have interpreted our statutes. So to that aspect, it is going to be difficult in Alaska to completely do away with printed statutes. That said, a few states have tried; Wisconsin is going with an official version that is online and still printing statutes for those who want them. Hopefully, we will reduce the amount of paper over time and if we truly do go to an online only version it is something that a number of states are taking that work in-house and are basically deciding we are just going to publish an online version and let everyone do what they want. So companies like Lexis, West, or other companies that choose to issue a printed version can. Again, with Alaska, it is problematic to say we are going to be able to go to a completely online version... because it is Alaska.

SENATOR GIESSEL noted that online you can access our statutes, but there is a disclaimer that says, "this may not be the most current version of our statutes," so if we were to go online there would have to be some fixes to that whole process. Thank you.

VICE CHAIR STEDMAN removed his objection.

The motion passed without objection.

## **VI. LEGAL SERVICES UPDATE**

CHAIR GUTTENBERG asked members if they all had a copy of Mr. Gardner's letter which was distributed to Council members and all other members. Mr. Gardner, I texted you on Monday saying I had not officially accepted this letter and you had an opportunity to take whatever actions you wanted to, but here you are. Can you please give your update on Legislative Legal Services?

DOUG GARDNER replied, CHAIR GUTTENBERG and members, it is a pleasure to be seated before you one last time. Giving an update, you and I did not discuss exactly what your thoughts were about the update. I will give you a short, two to three minute assessment of where I think things are. As you know, August 15 will be my last day as Director. I don't have any plans right now and am your Director until the last minute of the last day that I am here. After that I will look around, but I don't have any plans right now.

I segway into the conversation about the office. I think the office is in good shape right now. We have a lot of talented folks that you have all worked with. I went out of my way this year, and I think the Presiding Officers may have seen some of this, I'm looking at Representative Millett, Representative Edgmon, I recognize Senator Kelly is online, possibly the co-

chairs, saw a little more of me than typical. I brought some staff with me periodically to meetings which was not an accident, I was not wasting anyone's time. I wanted to give some exposure to people who I think can probably do very well for you.

The office is in good shape. You are all very supportive. I came around and did what I had never done before and I think it put Pam and me in a slightly awkward spot, to come around and stump for money. I did not want to do that, but thought we were at a mission critical spot. I am looking at everyone here and those online and I know there was a lot of support for the office. That additional funding, like everything in life, there is not a lot you are going to do with it in November to make a change in January, but it is getting tapered into the system right now. We are building out the editing area. When you are a Chair and you are waiting for a CS, Senator Giessel right now, or you are the Speaker or the President on the floor you are trying to get things through the office. You know what they are. I know your staff are like, "why can't this just get finished earlier so we can have an extensive peer review process?" and the reality is there were two choke points that we identified: one is the editing staff, they are wonderful and they make sure we don't screw things up at ten o'clock at night; the other end of the process is the revising process that Mr. Luckhaupt handles on an hour by hour, minute by minute basis. So we added an Attorney there and we added a Deputy Editor which you approved and that was the funding that we went with. I think that as we get into the Thirty-first Legislature that is going to pay big dividends in a variety of different ways. One, my goal always, as your Director was to make you look good on the floor. I wanted it to be true and I wanted it to be a smooth process. There are small delays that are always going to occur, but I didn't want any of the Chairs or Presiding Officers or anybody, minority members waiting for amendments, I wanted that all to go as smoothly as possible. I think this step will help in that, it's just that this year we were at a place where Laura Duval was getting snapped and we needed to roll with what we had.

I think it will also help with the retention in my office. I don't know what the number is. I wish I had a number to tell you how much we have invested in the Emily Naumans, Megan Wallace, Hilary Martin, budget drafters, education attorneys, assistant revisors, Jerry, myself, there is a lot invested in our experience and time. Really it is such a small office that you can't have significant turnover without losing enormous amounts of efficiencies in place. I started my life in a private family business, so I know every time you touch something it costs you money and everything you do reflects on who you are and what your goals are. I wanted the office to reflect what you all need to

bring to your constituents and what needs to get done for Alaska. I am not a policy person or a political person, I just wanted to make sure you had that resource. I think those changes are coming online and I think that next session we will always be growing and we will always be learning, but I think things are in good shape.

I don't know how much you would like to talk to me in an Executive Session and how much you would like to talk to me in a Public Session, but I will answer any questions you have. I think we are in good shape and that is part of the reason why I chose to transition Mr. Chair.

CHAIR GUTTENBERG stated that Mr. Gardner will be back in Executive Session.

REPRESENTATIVE MILLETT thanked Mr. Gardner. You have been the Director almost the whole ten years I have served, I think I served one year under Tam Cook. Your professionalism and your staff and the way that you've run the Legislature's department of law has been amazing. You came up with amendments on my minority end, you were stellar in your performance in making sure our voices were heard and I really appreciate that. You shepherded Speaker Edgmon and I through some tough times and gave us good advice and that is greatly appreciated. We know we put a lot of pressure on the department of law with issues including: the oil tax debate; Medicaid; defined benefits; budget bills; crime bills; lawsuits; education. You became a public figure through all that and I know there was a lot of criticism on you, but I heartfully thank you and am sorry to see you go, but understand that ability for you to go out into the private sector. You will be missed. You have mentored a lot of people in the Legislature and showed good compassion, kindness, and fairness. Thank you and your staff. It did not go unnoticed. You were always at the end of a cell phone, easy to get ahold of, and we had some wild hours the last couple sessions, so I appreciate your professionalism and wish you well. I hate to see you go Doug.

DOUG GARDNER Thank you, I enjoyed every minute of it. I enjoyed the opportunity. Since you mentioned it, on occasion, I felt I was walking a bit of a tightrope, but there were a couple occasions where you and Representative Edgmon worked closely together to deal with issues this session. Thank you both for being statesmen.

SENATOR GIESSEL commented that as a substantial Committee Chair, the Resources Committee handles lots time sensitive bills. The work that your team has done, over the last two years specifically, has just been outstanding. We really, really

appreciate it. I say that on behalf of my staff as well. Thank you.

DOUG GARDNER Thank you.

REPRESENTATIVE CLAMAN thank you Doug for all the fine work that you did. I know that is part of the challenge when we have diverse interests that you represent, and you must represent all of us. All though sometimes we may forget that, you keep reminding us. Lastly, at the end of this Session it was great to hear those bagpipes.

DOUG GARDNER Thank you.

SENATOR KELLY Doug, when you first came in, I had fairly low expectations of you. I do not even know why, but I did. As we worked together, you blew away all my low expectations and my expectations began to grow, and as they grew, you kept blowing them away. You are one of the best staff people I have ever been around, you are a hell of a lawyer, and I just really appreciate what you did. If I can ever write a letter of recommendation, just let me know. It will kind of embarrass you, but you are a good one. Thank you.

DOUG GARDNER Thank you.

REPRESENTATIVE EDGMON Thank you Mr. Chairman. I would like to echo the comments from the Senate President. As Speaker, I work very closely with Doug and his staff, and like the Minority Leader mentioned, you were there at virtually every turn... whether it was late at night, early in the morning, or on weekends. I know you remember that fondly by the smile on your face. Thank you for the great job you have done. Mr. Chairman and I want to commend you for giving the Council the opportunity to not only have the Director come forward and speak publicly, but also in Executive Session to give Council the opportunity to hear from the Director in an atmosphere where you can perhaps speak more candidly about things and for the Council to get a better understanding of what actually is involved in being Legal Director. It is a job with a lot of nuances that not only crosses the legal profession into working with a political institution and the public and all the other pieces that are attached to it. Doug you have been fantastic and you are my favorite bagpipe player too.

DOUG GARDNER Mr. Chairman, in the Thirtieth Legislature there were a lot of significant issues for consideration by the Legislature. There were a lot of challenging situations that came up and the Legislature had to change some policies and otherwise



address those things. Maybe it was just because I was getting a little bit more grey hair, but I felt a comfort level, and this is a compliment to Representative Edgmon and Senator Kelly, and I hope that it resonates with whoever holds those positions down the road, but when I had a problem or we had a logistical issue, and this goes for a lot of the Chairs too this year, I know there was a lot of... if you look at Twitter and you see all the things that are going on, you wonder, "how is this organization functioning?", but behind the scenes it is the Heather Carpenters and Amory Lelakes that represent you both on an hour by hour basis with our office to try and make the floor work smoothly. I can't say how much access I had to both you Representative Edgmon and Senator Kelly through staff and if I needed to come down and say, "We've got to do something here, this is not working." or "We do not have the time to do this." or "We can do this, but we cannot do that." Whatever it was, that access was huge and it helped us squeeze... again, from a family business, private sector person is where I got my start in life and it is all about squeezing the most out of what you have. It is not about wanting more, it's about what can you do with what you are given. I really felt that you two Presiding Officers helped me do that this last two years under some incredibly challenging circumstances. As I said when we started the Session off with training, we are all in this together. Yes, I respect you as elected officers and representatives of the people, but at the end of the day, we are all in this legislative process together and nobody can do anything without the cooperation of all—minority, majority, independent—we all have to pull together to make it work. You two gave me the opportunity to try to bob and weave through some real high volume stuff and solve those problems before they turned into more floor like situations. I want to thank you both for that. I enjoyed working with both of you. I want to say one thing that I hope Representative Edgmon finds humorous, I believe that it may be that I am the only non-member that ever called a Speaker on the floor and asked for an At-ease. The Speaker went to a Call-of-the-chair for a few hours, we solved those problems, and you all went on and looked very smooth to the public. It's those kinds of things. Senator Kelly always had a sense of humor in his office and so did you Representative Edgmon, so thank you both gentlemen, the Presiding Officers, both statesmen. I appreciate it. I know time is limited, I would be happy to answer questions in an Executive Session.

SENATOR MICCICHE I could go on for just as long about Doug. We have asked him for some pretty extraordinary things over the last four years and your department has always risen to the occasion. The thing that I like the best is you actually will push back at appropriate times when some of us are somewhat exuberant about a

particular approach in legislation and you have been constructively assertive. I think that is the one thing that was not mentioned. The only thing I wanted to say about Senator Kelly, the humor in his office is that he does steal a lot of material from me. I thought that was important to clarify. Thank you Doug for all your hard work.

DOUG GARDNER As I said, I am one person sitting here who is departing, but there a dozen or so Attorneys that are probably, enjoying the interim imagine that, but one seated behind me and the others that work for you all year round are the ones that make this happen. It was my person as Director.

CHAIR GUTTENBERG stated that from my perspective, there are two parts of what we do—part is policy and part is process. If you cannot get through having a process, you will never get the policy. That starts off with Rules and Masons and Legislative Legal allows us that process to get the policy. I know if I went to your office now and saw where they are doing all that work and the space they have... it is just a tremendous amount of work and I appreciate everything that you have done.

I was on Legislative Council when we hired you, but I was not on the search committee. I am going to set up a search committee that will mimic the same one that hired you that consists of the Chair, the Executive Director, Presiding Officers, and the Majority and Minority Leaders of both bodies. If one of those members is not available I will look to the Presiding Officers to take their place and we will get to that as soon as we can. I know we have a memo from Skiff on what we can and cannot do, and I will ask you to start that process by writing a job description.

Legislative Council does not actually do the hiring, the Executive Director does. But the two positions that are so significant for the Legislature are Leg. Director and the Division of Finance. I asked the Executive Director to come up with the history of that and it boils down to if we hire you, Leg. Director and the Finance Director, we are basically having three separate divisions and three budgets and that would be pretty inefficient. So Legislative Council on your position will go through this process of a search, then narrow the window down to a few candidates, whatever process they decide upon, and give that name to the Executive Director. I think it is also appropriate to have a policy statement that affirms that process that we have one Legislative Affairs Agency and the Executive Director makes that decision, but the hiring of those two positions come from the recommendations of the Council. I think

that is the efficiency that has evolved over the years and I do not see any reason to change it unless someone else does.

Before we go into Executive Session, I also want to thank you Doug. I think you have a job that rides the rail and the edge of a blade. You are always someone who self corrects and helps other people stay there. Some people have an agenda and want an opinion that says what they want it to say. Many times I have gotten an opinion back and I do not like it, but that is the law. It is the perception from you and your staff. I always thought it was the right thing to do. Sometimes it was misread, intentionally or otherwise, but I thought you guys always did a good job, so I appreciate that.

## **VII. EXECUTIVE SESSION**

[11:38:44 AM](#)

VICE CHAIR STEDMAN moved that that Legislative Council go into executive session under uniform rule 22(b)(2)(3), discussion of subjects and matters that may, by law, be required to be confidential. Any Legislators not on Council are welcome to stay. Will the following staff please stay in the room: Jessica Geary; Doug Gardner; Crystal Koeneman; Tina Strong; Molly Kiesel; Alliana Salanguit; Kate Burkhardt; Skiff Lobaugh; Elisha Martin; and Brian Meissner.

The motion passed without objection.

Legislative Council went into executive session.

[12:55:20 PM](#)

Council came out of executive session.

[12:56:57 PM](#)

VICE CHAIR STEDMAN moved that Legislative Council approve \$160.0 for the design of the 3<sup>rd</sup> floor at 1500 West Benson Blvd.

A roll call vote was taken.

YEAS: Claman, Edgmon, Millett, Ortiz, Stutes, Coghill,  
Micciche, Stedman, Guttenberg.

NAYS: None

The motion passed 9-0.

[12:58:12 PM](#)

VICE CHAIR STEDMAN moved that Legislative Council approve \$150.0 for the purchase of air handling equipment for the 3<sup>rd</sup> floor at 1500 West Benson Blvd.

SENATOR MICCICHE do we have adequate support that we understand what is needed before we spend the money? You know I've always been hesitant to spend any money on that building until we know what we are doing for sure. Do we have documentation from engineering that it is required and that we have the right equipment that we are going to order and install?

For the record, my name is JESSICA GEARY, Executive Director of the Legislative Affairs Agency. Senator Micciche, through the Chair, we had our engineers here earlier discussing this with us and this does need to be done regardless of what else is approved on the project. This is an important thing that needs to be taken care of.

CHAIR GUTTENBERG replied to Senator Micciche that I had a discussion with them earlier concerning the nature of your questions. The specifics, this is the air handlers dedicated to the third floor and is a replacement for what is there now. They are going to go on the roof which will require a crane. We will get the specifications, but it is simply a replacement for what is existing now—not to expand capabilities across the building. Does that help?

SENATOR MICCICHE so it is sort of a safety requirement for necessary air movement and HVAC on the third floor, is that how you would define it?

CHAIR GUTTENBERG Yes, exactly Senator. We are not expanding anything, we are just replacing what is there that it will be required almost no matter what you do.

SENATOR MICCICHE Thank you.

A roll call vote was taken.

YEAS: Claman, Edgmon, Millett, Ortiz, Stutes, Coghill, Micciche, Stedman, Guttenberg.

NAYS: None

The motion passed 9-0.

1:01:22 PM

VICE CHAIR STEDMAN moved that Legislative Council approve the pressure washing and resealing of the building exterior for a

repainting of the first floor exterior in an amount not to exceed 208,000.

CHAIR GUTTENBERG said that we make sure the contract comes back to us with a color, I thought it was going to be clear, so that it is not something that doesn't work.

SENATOR MICCICHE said clearly the coating is failing and this cost is to avoid much more costly repairs in the future. I just think it is always healthy for the public to understand why we are spending certain dollars on certain State assets.

CHAIR GUTTENBERG Thank you Senator.

A roll call vote was taken.

YEAS: Claman, Edgmon, Millett, Ortiz, Stutes, Coghill, Micciche, Stedman, Guttenberg.

NAYS: None

The motion passed 9-0.

**VIII. OTHER COMMITTEE BUSINESS**  
**a. Annual Computer Refresh**

1:03:39 PM

VICE CHAIR STEDMAN moved that Legislative Council approve the FY19 hardware refresh expenditure of \$146,846.

VICE CHAIR STEDMAN objected for discussion.

Mr. Chairman, members of the Council, for the record my name is TIM BANASZAK and I am the Information Technology Manager for the Alaska State Legislature. The request before you as the Vice Chair just submitted is for the FY19 hardware refresh recommendations. The IT subcommittee offers the following FY19 computer hardware refresh recommendations for consideration: 82 Computers that replaces the 2011 models for \$91,020; 164 Monitors which provide an integrated PC capability for \$28,946; and finally 20 Laser Printers to replace some the 2011 models for \$26,880. Total of which is \$146,846.

The list is based on a five year computer refresh cycle, age of equipment, upkeep costs, performance, and obsolescence. The recommendations are also: consistent with the Three-Year Technology Plan; integrated with the hardware used in our recently adopted mobile workstation initiative that has been implemented; a phased approach to standardizing a color printer

for each office, reducing toner replacement costs; and cost efficient, through leveraging government contract volume discount pricing.

With that Mr. Chairman, I would be happy to answer any questions.

VICE CHAIR STEDMAN removed his objection.

A roll call vote was taken.

YEAS: Claman, Edgmon, Millett, Ortiz, Stutes, Coghill,  
Micciche, Stedman, Guttenberg.

NAYS: None

The motion passed 9-0.

**b. Three-year Tech Plan**

CHAIR GUTTENBERG asked that TIM BANASZAK continue on this topic. The Three Year Technology Plan covers the years 2018-2020. This plan is reflected and required under AS 24.20.055. It has been edited by the IT Subcommittee and is presented to Legislative Council for consideration and adoption.

The guiding principles used to develop the 2018-2020 Technology Plan are customer-focused, accessibility, reliability, value and continuous improvement. It provides a guide for the Legislature to follow IT best practices, forecasts critical system investment requirements, and maintains IT service alignment with business priorities.

Highlights include strategic technology issues facing the Legislature, as well as critical IT infrastructure projects noted earlier, importantly the adoption of the cyber security risk management framework for the Legislature.

It is important to note that this plan does not bind the Legislature to any expenditures, projects or timelines, rather it serves as a technology roadmap for the next three years.

With that I would be happy to answer any questions Mr. Chairman.

[1:07:38 PM](#)

VICE CHAIR STEDMAN moved that Legislative Council adopt the Legislature's 2018-2020 Three-year Tech Plan.

CHAIR GUTTENBERG let's talk about the cyber risk assessment a little bit more. Although it is not under our purview, but it does determine how we all get here. What is your assessment of

Division of Elections risk? Are you aware of that at all? Do you participate? If not I am going to ask you to do that. I think we all have an interest in that. Maybe I am overstepping our bounds, but it is all how we get here and it is important to us.

TIM BANASZAK replied that Division of Elections is not managed under the Legislative branch, so that is not certainly our purview. However, I will say that as the State of Alaska, the Executive and Legislative branches often look for opportunities to work together. One of those areas is under the cyber security environment. Part of this plan is actually taken from the Executive branch approach to securing information systems. We often are just behind the bad guys that are out there, so it is important for us to have a framework where we can assess the data that we have, we can select the level of controls and how we want to protect that information. For instance, as an example, the public website, that is public information out there, however it is not very appropriate to find out that the website is compromised. The example you brought up, Elections, those votes must be protected and they must be accurate. So that level of risk needs to have systems built around that. Finally when you get into confidential types of information, whether it is criminal justice information or HIPAA protected information, there is a whole level of controls that need to go around that. That is where is important to approach security from a risk management stand point-what is the appropriate level of risk? This approach we are taking for the Legislature and submitting in this plan is to assess risk and with that risk, the information, how we should protect that, set the appropriate amount of controls around that, monitor those controls, and if there is a breach of some type, remediate the issue, then how we move forward and the continuous improvement process.

So I think the short answer Mr. Chairman is we work closely with the Executive branch and will continue to do so.

CHAIR GUTTENBERG asked as part of that, say I get on my phone, my computer, the State system, I get hacked. I get all kinds of crazy requests. Some emails look perfectly legitimate or phone calls offering a better credit card rate. From outside the building but on the system, how are we legislative employees, protected? I do not need the nuances, but how are they being looked at and are you secure we are moving in the right direction?

TIM BANASZAK stated that is a very good question. What you are pointing out is that there are two facets to security. One is the technical infrastructure to protect the systems from bad people intentionally trying to get in, or people trying to do bad

things. We put as much as we can, as reasonable, to protect those systems. The other great risk factor or exposure is our own staff, our own people, it is us. It is constant security awareness training and there are also some tools we can put in place. For example, we recently made an investment when we went to our new email system so that everyone of those emails is scanned for viruses and we just turned on last week a technology that looks at the links, it is called Safe Links, so that when you get that email that looks legitimate and you feel it is legitimate, and you click on that link, it has been inspected. This is fairly new. Those are the kinds of technologies that are out there and with ongoing assessments and frameworks we can improve on that. It is important to stress it is managing it, daily, weekly, and a framework will help us manage and assess, so that when things do happen, we know where are risks are and we remediate those.

CHAIR GUTTENBERG mentioned that at a technology center in Fairbanks, on one of their monitors is the web assault around the world. It is amazing to watch what goes back and forth and the vulnerability.

A roll call vote was taken.

YEAS: Claman, Edgmon, Millett, Ortiz, Stutes, Coghill,  
Micciche, Stedman, Guttenberg.

NAYS: None

The motion passed 9-0.

### **c. Upcoming Agenda Items**

CHAIR GUTTENBERG asked Jessica Geary to come forward and stated that on the agenda there are upcoming items on the horizon and I want to ensure members are not surprised and can have input and comments about some of the things we will be looking at in future meetings, besides what we have done here.

Mr. Chairman, members of the Council, again for the record, my name is JESSICA GEARY, Executive Director of the Legislative Affairs Agency. You have received as part of your packet a memo. I am not certain if you have had a chance to read it, so I will just review the discussion items.

As you are probably aware the building that is almost attached to the Terry Miller Legislative Office Building burned down last fall. We have had all kinds of issues, and our security staff have been keeping a close on what has been happening, but there



have been vagrants camping out in the building, it is a huge liability, there is the potential for them starting a fire and if it goes off again it could be catastrophic. The Juneau Community Foundation approached us and said that if the Legislature has a use for that building, they would purchase it and give it to us. What we would be looking at is approving the demolition of the building and it would be raw land until such a time that we want to consider building on it, whether it be a parking lot or whether it be our long term pipe dream, to build an onsite storage facility to phase out of the Goldstein Building, which we have been working on. Tina Strong has some information on what we have done so far with that space. That is a long term goal. From a risk management perspective it would be a good idea if the Council wants to vote to accept the building. We are getting an environmental hazards study now because that could increase the cost of demolition. They estimate \$150,000-\$200,000 now and that could climb substantially, so I do not want to bring it to Council for a vote until we have all the answers to those questions. I expect this issue will come up at some point in the future.

CHAIR GUTTENBERG noted that in last meeting's minutes, Senator MacKinnon asked questions about the Goldstein Building, which I had previously asked very similar questions. Ms. Strong was going to have an assessment, but we can put that off because we are going to go as fast as we can now. But that is available to members and we will get that distributed.

EXECUTIVE DIRECTOR GEARY explained briefly that we have been working on consolidating, have an inventory of what is there, and would be happy to distribute to members.

REPRESENTATIVE CLAMAN noted with regard to the building adjacent to the Terry Miller building. Obviously we do not have a decision we have to make today, but I would want to make sure we get back the environmental assessment before we make a decision, either one way or the other. Thank you.

EXECUTIVE DIRECTOR GEARY explained that the four Capitol Columns need to be shored and honed, they have some staining, the process involves epoxy and sanding. It does need to be done and, again, the Juneau Community Foundation has committed to match the expense at 50%. The rough estimate is approximately \$300,000 total. We are working on getting some engineering for that so we can issue an RFP.

CHAIR GUTTENBERG explained that when I first saw this, I asked why wasn't this part of the Capitol exterior remodel? You were

not in the position you are now. Why was it excluded, do you have any history on that?

EXECUTIVE DIRECTOR GEARY Mr. Chairman, my understanding is that it was initially discussed as being part of the seismic retrofit project, but because of the sheer nature of some of the things found while excavating beneath the Capitol, they ran out of contingency funds to do that particular part. Everything else ended up costing a bit more.

CHAIR GUTTENBERG Thank you.

EXECUTIVE DIRECTOR GEARY the next item is the Terry Miller Building. Some of the windows in that building are original. They have been replaced as needed. The building was built in 1929 and we have gotten rid of most of the exterior windows that were there at that time. But there are still some interestingly on the inside. We have some 1960 windows, we have some 1986 windows, and the most recent was on the North wall, we have some windows that were replaced in 1998. So that project is important because of energy efficiency issues and is a good thing to get done.

The next item is cladding for the building. Right now, it is concrete and is old, exposed, and aging. It would be a good idea to put some sort of protectant on there and we are getting engineered drawings done and a cost estimate so we can do an RFP. That will come up some time in the future, so we wanted to ensure you had information. Are there any questions?

REPRESENTATIVE STUTES asked what is cladding?

EXECUTIVE DIRECTOR GEARY replied that is a great question. Representative Stutes, through the Chair, cladding is like metal siding that they affixed to the outside of the concrete which would protect the concrete and also keep us from having to paint it, which desperately needs to be done. The building is in rough shape right now.

REPRESENTATIVE STUTES asked is it something that is necessary? What purpose does it serve?

EXECUTIVE DIRECTOR GEARY replied through the Chair, Representative Stutes, the purpose it serves is to protect the concrete from further degradation. When concrete is old, water gets inside and expands and cracks, all kinds of issues that end up happening with concrete upkeep. Putting the cladding on extends the life and defers maintenance. Does that answer your question?

REPRESENTATIVE STUTES replied yes it does, thank you.

CHAIR GUTTENBERG commented that it is either the continued maintenance of very old concrete that is shedding, for lack of a better term, or just covering it and not having to do that periodically.

EXECUTIVE DIRECTOR GEARY replied that is correct Mr. Chair. It is advantageous if both projects could be approved and done at the same time, but the windows would take priority in those two projects.

CHAIR GUTTENBERG noted he had a few things to discuss. At the last meeting, one of the things Senator Micciche brought up is having a Per Diem Committee to have a discussion on those things and I will ask the members if there is a desire to do that and who wants to serve.

Other than that, we will continue to keep you as informed as possible as soon as we know that there are issues that are formal enough to be discussed long before the next agenda. At this point, there is not another meeting scheduled, but the next meeting will probably be dealing with a new hiring situation as soon as possible. Hopefully it will not be long, but it depends on what process we go through.

Is there anything else anybody has on the agenda they would like to discuss or anything they want Council to bring up in the future?

REPRESENTATIVE EDGMON to clarify the directive on the sign and the name is the Anchorage Legislative Information Office, is that correct?

CHAIR GUTTENBERG replied yes.

EXECUTIVE DIRECTOR GEARY asked to go back to that and said that would be Anchorage Legislative Information Office, which I think we were trying avoid calling it the LIO because it is also legislative offices, so I think the discussion, if I remember from Anchorage Caucus last week, Anchorage Legislative Office Building is what we landed on.

CHAIR GUTTENBERG yes.

**IX. ADJOURNMENT**

[1:24:54 PM](#)